IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 2985 of 1996

Between:

K.P.V.Ramachandra Rao S/o Satyanarayana
R/o. Ramachandrapuram, E.G. Dist.

..... PETITIONER

AND

1 General Manager, The Dist. Co-operative Central Bank Ltd., Kakinada.
2 President, Primary Agriculture Co-Operative Credit Society, Velampalem, E.G. District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or any appropriate Writ more particularly in nature of Writ of Mandamus declaring the action of the respondents in not paying the salary due to the petitioner from 1-12-93 to 31-12-94 as illegal, arbitrary and violative of Art.19(1)(g) of Constitution of India and for a consequential order directing the respondents to pay salary to the petitioner due from 1-12-93 to 34-12-1994 forthwith.

Counsel for the Petitioner: MR.CH.DHANAMJAYA

Counsel for the Respondent No.1: Mr.C.V.Mohan Reddy

Counsel for the Respondent No.2: MR.P.RADHAKRISHNA and Mr. D.Sudershan Reddy

The Court made the following :

ORAL ORDER

1. The writ petition is filed by the petitioner aggrieved by the inaction of the 2nd respondent in not paying the salary due to the petitioner for the period from 1.12.1993 to 31.12.1994.

2. According to the petitioner, he was appointed as Secretary of the 2nd respondent-society on 14.7.1993. However, it is stated that the President of the 2nd respondent passed an order, dated 26.11.1993 stating that the society does not require a Secretary, and therefore, the petitioner was surrendered to the 1st respondent for being allotted to any other society. The said order was however set aside by the 1st respondent stating that the 2nd respondent has no power to pass such order surrendering the petitioner, who is a paid Secretary to the 1st respondent. It appears that subsequently, the petitioner filed a representation on 23.2.1994 to the 1st respondent requesting the 1st respondent to transfer him to any other society. Finally, an order was passed on 30.12.1994 transferring the petitioner to the third society, but in between December, 1993 and December, 1994, the petitioner was not paid any salary, though, according to the petitioner, he was rendering services to the 2nd respondent-society. It is further stated that the petitioner also made a representation to the District Collector, who is the Controlling Officer of the District with reference to the Cooperative Societies, but the District Collector did not consider even

the said representation. Therefore, the petitioner has come up with the present writ petition.

3. The learned counsel for the 1st respondent contended that the 1st respondent has no liability with reference to the payment of salary, as it is claimed by the petitioner that he rendered services to the 2nd respondent, and it is only for the 2nd respondent to pay the salary.

4. The counsel appearing for the 2nd respondent, however, reported that he did not get any instructions, but the petitioner's representation may be directed to be disposed of by the District Collector.

5. Heard both sides and considered the material on record.

6. Admittedly, the petitioner made a representation, dated 28.12.1994 to the District Collector, who was not impleaded as a party, a copy of which is placed before this Court. In view of the said representation, which was not considered and appropriate orders were not passed by the District Collector, the District Collector is directed to pass appropriate orders on the representation of the petitioner, expeditiously, preferably within a period of six weeks from the date of receipt of a copy of this order.

7. The writ petition is accordingly disposed of.

8. The Registry is directed to communicate a copy of the order to the District Collector, East Godavari District. The petitioner is also directed to send a copy of his representation along with the copy of this order to the 1st respondent. No costs.

(S. ANANDA REDDY, J.)

3rd December, 2004.

Bcj

To

1 General Manager, The Dist. Co-operative Central Bank Ltd.,
Kakinada.
2 President, Primary Agriculture Co-Operative Credit Society,
Velampalem, E.G. District.

3 Two C.D. copies